

MONDAY, JUNE 24, 2002

NINETY-SECOND LEGISLATIVE DAY

The House met at 1:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Dr. Bob Norman, Clearview Baptist Church, Franklin, Tennessee.

Representative Hood led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present.....95

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Cooper; illness.

Representative Kernell; personal reasons.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Resolution No. 398: Rep(s). Mumpower as prime sponsor(s).

House Joint Resolution No. 849: Rep(s). Kisber and Hood as prime sponsor(s).

House Joint Resolution No. 850: Rep(s). Fraley and Hood as prime sponsor(s).

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House Joint Resolution No. 851: Rep(s). Caldwell and Hood as prime sponsor(s).

House Joint Resolution No. 1091: Rep(s). Head as prime sponsor(s).

House Joint Resolution No. 1154: Rep(s). Naifeh as prime sponsor(s).

House Bill No. 2549: Rep(s). Pleasant as prime sponsor(s).

House Bill No. 2613: Rep(s). Langster as prime sponsor(s).

**MESSAGE FROM THE SENATE
June 24, 2002**

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 1201.

The Senate refused to recede from its action in nonconcurring in House Amendment(s) No(s). 2.

The Speaker appointed a Conference Committee composed of Senators Cooper, Haun and Rochelle to confer with a like Committee from the House to resolve the differences of the two bodies on Senate Bill No. 1201.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE
June 24, 2002**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 884 and 885; adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

Senate Joint Resolution No. 884 -- Memorials, Congratulations - Steven Matthew Nalley. by *Cohen.

Senate Joint Resolution No. 885 -- Memorials, Death - Paul Redick. by *Blackburn.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for June 24, 2002:

House Resolution No. 392 -- Memorials, Public Service - Debbie Denning. by *Ridgeway.

House Resolution No. 393 -- Memorials, Recognition - Shelia Mitchell. by *Stanley.

House Resolution No. 398 -- Memorials, Recognition - Deputy Fire Chief Gary A. Maiden, My Boss is a Patriot Award. by *Godsey.

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House Joint Resolution No. 1154 -- Naming and Designating - World Children's Day, Ronald McDonald House. by *White.

House Joint Resolution No. 1167 -- Memorials, Death - Robert Edward (Bob) McMillan. by *Hargrove.

House Joint Resolution No. 1168 -- Memorials, Interns - Sarah Anne Flanigan. by *McKee, *Whitson.

House Joint Resolution No. 1169 -- Memorials, Personal Occasion - Allen and L.V. Hudson, 60th wedding anniversary. by *Bone.

House Joint Resolution No. 1170 -- Memorials, Personal Achievement - Taylor Lee Hale, Eagle Scout. by *Black.

House Joint Resolution No. 1171 -- Memorials, Recognition - Eddie Davidson. by *Hargrove.

SENATE JOINT RESOLUTIONS (Congratulatory and Memorializing)

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for June 24, 2002:

Senate Joint Resolution No. 643 -- Memorials, Public Service - Fred and Laura Harris. by *Cooper J, *Cohen, *Carter, *McNally.

Senate Joint Resolution No. 852 -- Memorials, Interns - Sarah Tankersly. by *Jackson.

Senate Joint Resolution No. 853 -- Memorials, Death - Ned Lyle. by *Crowe.

Senate Joint Resolution No. 854 -- Memorials, Interns - Travis Brown. by *Person.

Senate Joint Resolution No. 855 -- Memorials, Interns - Jonathan Pierre Langlois. by *Person.

Senate Joint Resolution No. 856 -- Memorials, Retirement - Rebecca Ferrar. by *Burchett.

Senate Joint Resolution No. 858 -- Memorials, Sports - Dickson County Cougars Softball team, winners of State Championship. by *Jackson.

Senate Joint Resolution No. 859 -- Memorials, Death - Harold Caldwell Lee. by *Trail.

Senate Joint Resolution No. 860 -- Memorials, Death - Paul Redick. by *Blackburn.

Senate Joint Resolution No. 862 -- Memorials, Interns - Jamar T. Fuqua. by *Burks.

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Senate Joint Resolution No. 863 -- Memorials, Sports - LaVergne High School Baseball Team, 2002 TSSAA Class AAA State Champions. by *Trail.

Senate Joint Resolution No. 864 -- Memorials, Public Service - Jeffrey Lloyd Osgood, Jr. by *Graves.

Senate Joint Resolution No. 865 -- Memorials, Recognition - Stephen James Mackie. by *Herron.

Senate Joint Resolution No. 866 -- Memorials, Academic Achievement - Zackary Alan Wood, Salutatorian, Obion County Central High School. by *Herron.

Senate Joint Resolution No. 867 -- Memorials, Professional Achievement - Walter Butler, Pinnacle of Excellence. by *Herron.

Senate Joint Resolution No. 868 -- Memorials, Death - William Harold "Snag" Hayes. by *Herron.

Senate Joint Resolution No. 869 -- Memorials, Academic Achievement - Dusty Patterson, Salutatorian, Dresden High School. by *Herron.

Senate Joint Resolution No. 870 -- Memorials, Academic Achievement - Linda Farmer, Valedictorian, Dresden High School. by *Herron.

Senate Joint Resolution No. 871 -- Memorials, Sports - Country Music Marathon. by *Herron.

Senate Joint Resolution No. 872 -- Memorials, Academic Achievement - Connie Lin Barker, Valedictorian, Obion County Central High School. by *Herron.

Senate Joint Resolution No. 873 -- Memorials, Retirement - Jake Laham. by *Herron.

Senate Joint Resolution No. 874 -- Memorials, Public Service - Samuel Epting, Director of Finance, Tennessee Housing Development Agency. by *Henry.

Senate Joint Resolution No. 875 -- Memorials, Personal Occasion - Senator Ronnie Greer, 50th birthday. by *Haun.

Senate Joint Resolution No. 876 -- Memorials, Retirement - Ernie Blankenship. by *Clabough.

Senate Joint Resolution No. 878 -- Memorials, Death - Guilford Dudley, Jr. by *Henry.

Senate Joint Resolution No. 879 -- Memorials, Interns - Jennifer Lauren Lewis. by *Haun.

Senate Joint Resolution No. 880 -- Memorials, Interns - Andrew Joseph Merriman. by *Haun.

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Senate Joint Resolution No. 881 -- Memorials, Public Service - Beecher Frasier, Jr., Cumberland County Commissioner. by *Davis L, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper J, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jackson, *Kurita, *Kyle, *McNally, *Miller J, *Norris, *Person, *Ramsey, *Rochelle, *Trail, *Wilder, *Williams, Sen..

Senate Joint Resolution No. 882 -- Memorials, Interns - Chris Eaton. by *Cooper J.

Senate Joint Resolution No. 883 -- Memorials, Death - Robert Thomas Spicer. by *Jackson.

RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

***Senate Joint Resolution No. 857** -- Highway Signs - "Veterans Memorial Highway," U.S. Highway 127 in Cumberland County. by *Davis L, *Burks.

House Finance, Ways and Means Committee

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

Senate Bill No. 1072 -- Criminal Procedure - States legislative finding that alternative sentences not appropriate for second offenders who injure victim. Amends TCA Title 38 through Title 41. by *Burks. (*HB65 by *McMillan, *Odom, *Todd)

***Senate Bill No. 1243** -- Victims' Rights - Renames "individual" as "person" under Criminal Injuries Compensation Act. Amends TCA Section 40-24-107 and Section 67-4-606. by *Burks, *Cooper J. (HB1323 by *McMillan, *Davidson)

Senate Bill No. 1708 -- Taxes, Exemption - Removes sales tax exemption for carpet installed in church. Amends Title 67, TCA. by *Clabough. (*HB1430 by *Whitson)

Senate Bill No. 3037 -- Administrative Procedure (UAPA) - Extends certain agency rules scheduled to expire pursuant to provisions of UAPA. by *Harper. (*HB2748 by *Kernell, *Brooks, *Cooper B)

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 3295 -- Rossville -- Local Bill Held on House Desk

House Bill No. 3296 -- Haywood County -- Local Bill Held on House Desk

REPORTS FROM STANDING COMMITTEES

The committees that met on **June 24, 2002**, reported the following:

FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage: House Joint Resolution(s) No(s). 1091, 1119, also House Bill(s) No(s). 1430 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Supplemental Regular Calendar for June 24, 2002**: House Bill(s) No(s). 1430.

The Committee set the following bill(s) and/or resolution(s) on the **Supplemental Consent Calendar for June 24, 2002**: House Joint Resolution(s) No(s). 1091 and 1119.

CONSENT CALENDAR

June 24, 2002

The following local bills have been placed on the Consent Calendar for **June 24, 2002**: House Bill(s) No(s). 3293 and 3294.

CONSENT CALENDAR

House Bill No. 3294 -- Madison County - Subject to local approval, transfers clerk duties for probate cases from juvenile court clerk to clerk and master. Amends Chapter 212 of the Private Acts of 1990 and Chapter 50 of the Private Acts of 1941; as amended. by *Kisber, *Shaw. (SB3251 by *Carter)

House Resolution No. 392 -- Memorials, Public Service - Debbie Denning. by *Ridgeway.

House Joint Resolution No. 1167 -- Memorials, Death - Robert Edward (Bob) McMillan. by *Hargrove.

House Joint Resolution No. 1168 -- Memorials, Interns - Sarah Anne Flanigan. by *McKee, *Whitson.

House Bill No. 3293 -- Lebanon - Subject to local approval, revises charter. Amends Chapter 644 of the Private Acts of 1911; as amended. by *Bone. (SB3248 by *Rochelle)

House Resolution No. 393 -- Memorials, Recognition - Shelia Mitchell. by *Stanley.

House Resolution No. 398 -- Memorials, Recognition - Deputy Fire Chief Gary A. Maiden, My Boss is a Patriot Award. by *Godsey.

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House Joint Resolution No. 1154 -- Naming and Designating - World Children's Day, Ronald McDonald House. by *White.

House Joint Resolution No. 1169 -- Memorials, Personal Occasion - Allen and L.V. Hudson, 60th wedding anniversary. by *Bone.

House Joint Resolution No. 1170 -- Memorials, Personal Achievement - Taylor Lee Hale, Eagle Scout. by *Black.

House Joint Resolution No. 1171 -- Memorials, Recognition - Eddie Davidson. by *Hargrove.

Senate Joint Resolution No. 643 -- Memorials, Public Service - Fred and Laura Harris. by *Cooper J, *Cohen, *Carter, *McNally.

Senate Joint Resolution No. 852 -- Memorials, Interns - Sarah Tankersly. by *Jackson.

Senate Joint Resolution No. 853 -- Memorials, Death - Ned Lyle. by *Crowe.

Senate Joint Resolution No. 854 -- Memorials, Interns - Travis Brown. by *Person.

Senate Joint Resolution No. 855 -- Memorials, Interns - Jonathan Pierre Langlois. by *Person.

Senate Joint Resolution No. 856 -- Memorials, Retirement - Rebecca Ferrar. by *Burchett.

Senate Joint Resolution No. 858 -- Memorials, Sports - Dickson County Cougars Softball team, winners of State Championship. by *Jackson.

Senate Joint Resolution No. 859 -- Memorials, Death - Harold Caldwell Lee. by *Trail.

Senate Joint Resolution No. 860 -- Memorials, Death - Paul Redick. by *Blackburn.

Senate Joint Resolution No. 862 -- Memorials, Interns - Jamar T. Fuqua. by *Burks.

Senate Joint Resolution No. 863 -- Memorials, Sports - LaVergne High School Baseball Team, 2002 TSSAA Class AAA State Champions. by *Trail.

Senate Joint Resolution No. 864 -- Memorials, Public Service - Jeffrey Lloyd Osgood, Jr. by *Graves.

Senate Joint Resolution No. 865 -- Memorials, Recognition - Stephen James Mackie. by *Herron.

Senate Joint Resolution No. 866 -- Memorials, Academic Achievement - Zackary Alan Wood, Salutatorian, Obion County Central High School. by *Herron.

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Senate Joint Resolution No. 867 -- Memorials, Professional Achievement - Walter Butler, Pinnacle of Excellence. by *Herron.

Senate Joint Resolution No. 868 -- Memorials, Death - William Harold "Snag" Hayes. by *Herron.

Senate Joint Resolution No. 869 -- Memorials, Academic Achievement - Dusty Patterson, Salutatorian, Dresden High School. by *Herron.

Senate Joint Resolution No. 870 -- Memorials, Academic Achievement - Linda Farmer, Valedictorian, Dresden High School. by *Herron.

Senate Joint Resolution No. 871 -- Memorials, Sports - Country Music Marathon. by *Herron.

Senate Joint Resolution No. 872 -- Memorials, Academic Achievement - Connie Lin Barker, Valedictorian, Obion County Central High School. by *Herron.

Senate Joint Resolution No. 873 -- Memorials, Retirement - Jake Laham. by *Herron.

Senate Joint Resolution No. 874 -- Memorials, Public Service - Samuel Epting, Director of Finance, Tennessee Housing Development Agency. by *Henry.

Senate Joint Resolution No. 875 -- Memorials, Personal Occasion - Senator Ronnie Greer, 50th birthday. by *Haun.

Senate Joint Resolution No. 876 -- Memorials, Retirement - Ernie Blankenship. by *Clabough.

Senate Joint Resolution No. 878 -- Memorials, Death - Guilford Dudley, Jr. by *Henry.

Senate Joint Resolution No. 879 -- Memorials, Interns - Jennifer Lauren Lewis. by *Haun.

Senate Joint Resolution No. 880 -- Memorials, Interns - Andrew Joseph Merriman. by *Haun.

Senate Joint Resolution No. 881 -- Memorials, Public Service - Beecher Frasier, Jr., Cumberland County Commissioner. by *Davis L, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper J, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jackson, *Kurita, *Kyle, *McNally, *Miller J, *Norris, *Person, *Ramsey, *Rochelle, *Trail, *Wilder, *Williams, Sen..

Senate Joint Resolution No. 882 -- Memorials, Interns - Chris Eaton. by *Cooper J.

Senate Joint Resolution No. 883 -- Memorials, Death - Robert Thomas Spicer. by *Jackson.

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Rep. Hargrove moved that all members voting aye on House Joint Resolution No. 1171 be added as sponsors, which motion prevailed.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	93
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Davidson), Vincent, Walker, West, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 3287 -- Gatlinburg - Subject to local approval, authorizes hotel motel tax to be increased from 3 percent to up to 5 percent of consideration charged to transients. Amends Chapter 200 of the Private Acts of 1978. by *McCord, *Montgomery. (*SB3244 by *Clabough)

Further consideration of House Bill No. 3287 previously considered on June 19, 2002, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

Rep. Montgomery moved that House Bill No. 3287 be reset for the Regular Calendar on July 4, 2002, which motion prevailed.

House Bill No. 3288 -- Pigeon Forge - Subject to local approval, increases gross receipts tax from 1 percent to 2 percent. Amends Chapter 808 of the Public Acts of 1976. by *Montgomery, *McCord. (SB3245 by *Clabough)

Further consideration of House Bill No. 3288 previously considered on June 19, 2002, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

Rep. Montgomery moved that House Bill No. 3288 be reset for the Regular Calendar on July 4, 2002, which motion prevailed.

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House Joint Resolution No. 849 -- General Assembly, Confirmation of Appointment - Richard Ray, State Board of Education. by *McCord, *Overbey.

Further consideration of House Joint Resolution No. 849 previously considered on June 19, 2002, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

Rep. Overbey requested that House Joint Resolution No. 849 be moved to the heel of the Calendar.

House Joint Resolution No. 850 -- General Assembly, Confirmation of Appointment - Flavius A. Barker, State Board of Education. by *Rhinehart, *Davidson, *Sands.

Further consideration of House Joint Resolution No. 850 previously considered on June 19, 2002, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

Rep. Rhinehart moved that **House Joint Resolution No. 850** be adopted, which motion prevailed by the following vote:

Ayes	91
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Caldwell, Casada, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Davidson), Vincent, Walker, West, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

House Joint Resolution No. 851 -- General Assembly, Confirmation of Appointment - Carolyn D. Pearre, State Board of Education. by *Harwell, *Bunch.

Further consideration of House Joint Resolution No. 851 previously considered on June 19, 2002, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

Rep. Harwell moved that **House Joint Resolution No. 851** be adopted, which motion prevailed by the following vote:

Ayes	91
Noes	0

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Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Davidson), Vincent, Walker, West, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

House Bill No. 3292 -- Macon County - Subject to local approval, authorizes levy of privilege tax on new land development. by *Buck, *Winningham. (SB3250 by *Burks)

Further consideration of House Bill No. 3292 previously considered on June 19, 2002, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

Rep. Buck moved that **House Bill No. 3292** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	87
Noes	0
Present and not voting	2

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Caldwell, Casada, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Turner (Davidson), Walker, West, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 87.

Representatives present and not voting were: Turner (Hamilton), Vincent -- 2.

A motion to reconsider was tabled.

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***House Bill No. 3125** -- Gambling - Exempts pinball machines manufactured before 1980 from prohibition against gambling. Amends TCA Title 39, Chapter 17. by *Armstrong. (SB3025 by *Haun)

Further consideration of House Bill No. 3125 previously considered on April 24, 2002, at which time the bill failed to receive a Constitutional majority. May 8, 2002, May 15, 2002, May 22, 2002, May 29, 2002 and June 19, 2002, at which time it was reset for today's Calendar.

Rep. Armstrong moved that House Bill No. 3125 be reset for the Regular Calendar on July 4, 2002, which motion prevailed.

House Bill No. 451 -- Alcoholic Beverages - Clarifies that owner of establishment licensed to sell alcoholic beverages for consumption on premises is not required to have server permit. Amends TCA Title 57, Chapter 3 and Title 57, Chapter 4. by *Kent. (*SB272 by *Haynes)

Further consideration of House Bill No. 451 previously considered on May 29, 2002 and June 19, 2002, at which time it was reset for today's Calendar.

On motion, House Bill No. 451 was made to conform with **Senate Bill No. 272**; the Senate Bill was substituted for the House Bill.

Rep. Kent moved that Senate Bill No. 272 be passed on third and final consideration.

Rep. U. Jones requested that State and Local Government Committee Amendment No. 1 be placed at the heel of the Amendments.

Rep. Newton moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Tindell moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND Senate Bill No. 272 By deleting the language "and operated" in the first sentence of subdivision (H) in SECTION 1

On motion, Amendment No. 3 was adopted.

On motion, Rep. U. Jones withdrew State and Local Government Committee Amendment No. 1.

Rep. Kent moved that **Senate Bill No. 272**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	63
Noes	20
Present and not voting	4

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Representatives voting aye were: Armstrong, Bittle, Black, Bone, Bowers, Briley, Brown, Buck, Buttry, Caldwell, Casada, Clem, Cole (Carter), Cole (Dyer), Davis (Cocke), DeBerry L, Fitzhugh, Ford, Fraley, Garrett, Givens, Hagood, Hargett, Hargrove, Harwell, Head, Jones U, Kent, Kisber, Langster, McCord, McDaniel, McKee, McMillan, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pleasant, Pruitt, Rhinehart, Rinks, Roach, Rowland, Sargent, Scroggs, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Davidson), Vincent, Walker, Whitson, Winningham, Mr. Speaker Naifeh -- 63.

Representatives voting no were: Arriola, Baird, Beavers, Curtiss, Davidson, Dunn, Ferguson, Fowlkes, Goins, Hood, Lewis, Maddox, McDonald, Pinion, Ridgeway, Sharp, West, White, Windle, Wood -- 20.

Representatives present and not voting were: Boyer, Brooks, Bunch, Godsey -- 4.

A motion to reconsider was tabled.

House Joint Resolution No. 849 -- General Assembly, Confirmation of Appointment - Richard Ray, State Board of Education. by *McCord, *Overbey.

Further consideration of House Joint Resolution No. 849 previously considered on today's Calendar.

Rep. Overbey moved that **House Joint Resolution No. 849** be adopted, which motion prevailed by the following vote:

Ayes	92
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Casada, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Davidson), Vincent, Walker, West, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

SUPPLEMENTAL REGULAR CALENDAR

***House Bill No. 1430** -- Taxes, Exemption - Removes sales tax exemption for carpet installed in church. Amends Title 67, TCA. by *Whitson. (SB1708 by *Clabough)

On motion, House Bill No. 1430 was made to conform with **Senate Bill No. 1708**; the Senate Bill was substituted for the House Bill.

Rep. Whitson moved that Senate Bill No. 1708 be passed on third and final consideration.

On motion, Rep. Kisber withdrew Finance, Ways and Means Committee Amendment No. 1.

Rep. Whitson moved that **Senate Bill No. 1708** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	78
Noes	3
Present and not voting	3

Representatives voting aye were: Armstrong, Baird, Bittle, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Buttry, Caldwell, Casada, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Cocke), DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Goins, Hagood, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kisber, Langster, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Davidson), Vincent, Walker, White, Whitson, Winningham, Wood, Mr. Speaker Naifeh -- 78.

Representatives voting no were: DeBerry J, Rhinehart, Windle -- 3.

Representatives present and not voting were: Beavers, Bunch, West -- 3.

A motion to reconsider was tabled.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE MESSAGE

***House Bill No. 102** -- Estates - Increases from five to ten days time period in which to mail copies of filed exceptions on clerk's decisions to personal representative and attorney of record. Amends TCA Title 30. by *West, *Odom, *Buck, *McMillan, *Winningham. (SB439 by *Haynes)

Further consideration of House Bill No. 102 previously considered on June 19, 2002, at which time it was reset for today's Message Calendar.

Senate Amendment No. 4

AMEND House Bill No. 102 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 30, is amended by adding the following as a new chapter 6:

Section 30-6-101. Notwithstanding any other provision of law or rule of court to the contrary, upon motion, any trust valid on its face shall continue to be operated in accordance with its terms during any contest of its validity and until its validity is determined if the beneficiary of the trust provides security for the interests that will continue that is acceptable to the court. Any trustee who defends the validity of the trust shall have the right to charge the expenses of defending such an action, upon motion, according to the standards applicable to the defense of an action to contest a will. The provisions of this section shall apply to any action pending on or after the effective date of this act.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. West moved that the House concur in Senate Amendment(s) No(s). 4 to House Bill No. 102.

Rep. Fowlkes moved that House Bill No. 102 be re-referred to the House Judiciary Committee, which motion prevailed by the following vote:

Ayes	44
Noes	33
Present and not voting	7

Representatives voting aye were: Armstrong, Arriola, Beavers, Bone, Bowers, Briley, Buck, Casada, Cole (Dyer), Curtiss, Ferguson, Fitzhugh, Fowlkes, Givens, Hargrove, Head, Hood, Johnson, Kent, Kisber, Lewis, Maddox, McDaniel, McDonald, McMillan, Montgomery, Patton, Phelan, Pinion, Rhinehart, Ridgeway, Rinks, Roach, Scroggs, Shaw, Shepard, Tidwell, Tindell, Towns, Turner (Hamilton), Walker, White, Whitson, Mr. Speaker Naifeh -- 44.

Representatives voting no were: Baird, Bittle, Brown, Bunch, Buttry, Caldwell, Clem, Davidson, Ford, Fraley, Garrett, Goins, Hargett, Harwell, Langster, McCord, Mumpower, Newton, Odom, Phillips, Pleasant, Pruitt, Rowland, Sargent, Sharp, Stanley, Todd, Turner (Davidson), Vincent, West, Windle, Winningham, Wood -- 33.

Representatives present and not voting were: Boyer, Brooks, Cole (Carter), Dunn, Jones U, Miller, Overbey -- 7.

BILL RE-REFERRED

Thereupon, House Bill No. 102 was re-referred to the House Judiciary Committee.

MESSAGE CALENDAR, CONTINUED

HOUSE ACTION ON SENATE MESSAGE

***Senate Bill No. 2364** -- Jefferson County - Requires election of commissioners for water utility districts in Jefferson County. Amends TCA Section 7-82-307. by *Williams, Sen.. (HB3003 by *Roach, *Hagood)

Further consideration of Senate Bill No. 2364 previously considered on June 19, 2002, at which time it was reset for today's Message Calendar.

Rep. Roach moved that Senate Bill No. 2364 be reset for the Message Calendar on June 26, 2002, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1131 -- Education - Enacts "Tennessee Charter Schools Act of 2001." Amends TCA Title 49, Title 8, Chapter 35, and Sections 12-4-101 and 12-4-102. by *Winningham, *Montgomery, *McDaniel, *McCord, *Buttry, *Baird, *Black, *Beavers, *Boyer, *Sargent, *Scroggs, *Clem, *Vincent, *Dunn, *Wood, *Pleasant, *Bittle, *Sharp. (*SB887 by *Atchley, *Ford J)

Senate Amendment No. 1

AMEND House Bill No. 1131 by deleting all provisions of the bill following the enacting clause and substituting the following:

SECTION 1. This act shall be known and may be cited as the "Tennessee Public Charter Schools Act of 2002."

SECTION 2. (a) The purpose of this act is to:

- (1) Improve learning for all students and close the achievement gap between high and low students;
- (2) Provide options for parents to meet educational needs of students in low performing schools.
- (3) Encourage the use of different and innovative teaching methods, and provide greater decision making authority to schools and teachers in exchange for greater responsibility for student performance;
- (4) Measure performance of pupils and faculty, and ensure that children have the opportunity to reach proficiency on state academic assessments;
- (5) Create new professional opportunities for teachers;

(6) Afford parents substantial meaningful opportunities to participate in the education of their children.

(b) It is the intention of this act to provide an alternative means within the public school system for ensuring accomplishment of the necessary outcomes of education by allowing the establishment and maintenance of public charter schools that operate within a school district structure but are allowed maximum flexibility to achieve their goals.

(c) It is the intent of this act to provide both the state department of education and local school systems with options relative to the governance and improvement of low performing schools failing to meet adequate yearly progress as outlined in both TCA 49-1-602 and the federal Elementary and Secondary Education Act.

(d) It is the intent of this act to provide the state department of education and local school systems with options relative to the delivery of instruction for those students with special needs as specified in the federal IDEA.

(e) It is the intent of this act to provide local school systems the option to work in concert with the state's public higher education institutions to establish charter school "laboratories of teaching and learning" as a means of fostering educational innovations for implementation statewide as provided for in Section 6(a)(2).

SECTION 3. This act applies only to schools formed and operated in accordance with the provisions of this act.

SECTION 4. DEFINITIONS.

(1) "Charter agreement" means a performance-based agreement between the sponsor of a public charter school and the chartering authority, the terms of which are approved by the local board of education for an initial period of five (5) years.

(2) "Chartering authority" means the local board of education which approves, renews or decides not to revoke a public charter school application or agreement.

(3) "Governing body" means the organized group of persons who will operate a public charter school by deciding matters including, but not limited to, budgeting, curriculum and other operating procedures for the public charter school and by overseeing management and administration of a public charter school.

(4) "Licensed teacher" means a person over the age of eighteen (18) who meets the qualifications of Title 49, Chapter 5, Part 1 and has received a license to teach in the public school system in compliance with the rules and regulations of the state board of education.

(5) "Local education agency" has the same definition as used in Section 49-3-302.

(6) "Public charter school" means a public school in the state of Tennessee that is established and operating under the terms of a charter agreement and in accordance with this act.

(7) "Sponsor" means any individual, group, or other organization filing an application in support of the establishment of a public charter school, provided, however, that a sponsor cannot be a for-profit entity, a private school, a religious or church school, or promote the agenda of any religious denomination or religiously affiliated entity.

SECTION 5. STATUTES, RULES AND REGULATIONS.

(a) Public charter schools shall be part of the state program of public education.

(b) Except where waivers are otherwise prohibited in this act, the sponsor of a proposed public charter school may apply to either the local education agency or to the commissioner of education for a waiver of any state board rule or statute that inhibits or hinders the proposed charter school's ability to meet its goals or comply with its mission statement. Neither the LEA nor the commissioner shall waive regulatory or statutory requirements related to:

- (1) Federal and state civil rights;
- (2) Federal, state, and local health and safety;
- (3) Federal and state public records;
- (4) Immunizations;
- (5) Possession of weapons on school grounds;
- (6) Background checks and fingerprinting of personnel;
- (7) Federal and state special education services;
- (8) Student due process;
- (9) Parental rights;
- (10) Federal and state student assessment and accountability;
- (11) Open meetings; and
- (12) At least the same equivalent time of instruction as required in regular public schools.

SECTION 6. **CREATION OR CONVERSION OF CHARTER SCHOOLS.**

(a) Public charter schools may be formed to:

(1) Provide alternatives for students in schools failing to make adequate yearly progress, as defined by the state's accountability system; public charter schools created pursuant to Section 6(b)(2)(A) or (B) to address these needs are not subject to appeal to the state board of education.

(2) Address the unique needs of students eligible for special education services as identified by federal guidelines or provide local school systems the option to work in concert with the state's public higher education teacher training institutions, not to exceed a combined total of nine (9) sites per year. At least seventy-five percent (75%) of the prospective student population, as specified in a proposed charter with a higher education teacher training institution, will be:

(A) Students who were previously enrolled in a school failing to make adequate yearly progress, as defined by the state's accountability system; or

(B) Students who are failing to make adequate yearly progress upon initial eligibility for enrollment in the charter school, as defined by the state's accountability system; or

(c) Students who are eligible for free or reduced price school lunch programs.

Public charter schools applications designed to address these needs must be based on an agreement with the LEA and are not subject to appeal to the state board of education.

(b) A public charter school may be formed by creating a new school or converting an eligible public school to charter status pursuant to the provisions of this act.

(1) Newly created public charter schools:

(A) The sponsor of a public charter school must file a public charter school application with the local board of education on or before November 15 of the year preceding the year in which the proposed public charter school plans to begin operation.

(B) Upon approval of a charter application, the sponsor shall authorize a governing body to operate the public charter school. A public charter school shall be operated by a not-for-profit organization with exemption from federal taxation under 501(c)(3) of the Internal Revenue Code. No charter shall be granted to a for-profit corporation.

(C)(i) Newly created public charter schools created for the purpose stated in Section 6(a)(1) shall not exceed, statewide, the number of schools failing to make adequate yearly progress as defined by the state's accountability system.

(ii) However, in LEAs with more than thirty (30) schools failing to make adequate yearly progress, the number of newly created public charter schools shall be limited to one-third per year the number of schools failing to make adequate yearly progress, but not more than ten (10) schools in any LEA in the initial year of implementation.

(2) Conversion of eligible schools to charter status:

(A) An eligible public school may convert to a public charter school pursuant to the provisions of this act if the parents of sixty percent (60%) of the children enrolled at the school or sixty percent (60%) of the teachers assigned to the school agree and demonstrate support by signing a petition seeking conversion and the LEA agrees to the conversion. The percentage of parents signing a petition shall be calculated on the basis of one (1) vote for each child enrolled in the school. Parents whose children are enrolled at the school shall have the option to enroll their child in another public school without penalty.

(B) A LEA may convert an eligible public school to a public charter school pursuant to subsections (a)(1) or (2) of this section. Parents whose children are enrolled at the school shall have the option to enroll their child in another public school without penalty.

(C)(i) The conversion must occur at the beginning of an academic school year and shall be subject to compliance with this act.

(ii) At the time of conversion to a charter school, any teacher or administrator shall be allowed to transfer into vacant positions for which they are certified in other schools in the school system prior to the hiring of new personnel for those positions. Such personnel shall suffer no impairment, interruption, or diminution of the rights and privileges of a then existing teacher or administrator, and such rights and privileges shall continue without impairment, interruption or diminution with the local board of education. "Rights and privileges", as used in this subsection, include, but are not limited to, salary, pension or retirement benefits, sick leave accumulation, tenure, seniority, and contract rights with the local board of education. The director of schools shall have the option to specifically assign these teachers or administrators to those vacant positions.

(c)(1) No charter agreement shall be granted under this act that authorizes the conversion of any private, parochial, cyber-based, or home-based school to charter status.

(2) No cyber-based public charter school may be authorized.

(d) Nothing in this act shall be construed to prohibit any individual or organization from providing funding or other assistance to the establishment or operation of a public charter school, but such funding or assistance shall not entitle the individual or organization to any ownership interest in the school other than a security interest for repayment of a loan or mortgage. Any such funding or assistance shall be disclosed as provided in Section (7)(a)(20).

SECTION 7. **APPLICATION PROCESS.**

(a) On or before November 15 of the year preceding the year in which the proposed public charter school plans to begin operation, the sponsor seeking to establish a public charter school shall prepare and file with the local board of education an application providing the following information and documents:

(1) A statement defining the mission and goals of the proposed public charter school;

(2) The proposed instructional goals and methods for the school, which, at a minimum, shall include teaching and classroom instruction methods that will be used to provide students with the knowledge, proficiency, and skills needed to reach the goals of the school;

(3) A plan for evaluating student academic achievement at the proposed public charter school and the procedures for remedial action that will be used by the school when the academic achievement of a student falls below acceptable standards;

(4) An operating budget based on anticipated enrollment;

(5) The method for conducting annual audits of the financial, administrative and program operations of the school;

(6) A timetable for commencing operations as a public charter school which shall provide for a minimum number of academic instruction days, which shall not be fewer than those required by statute.

(7) The proposed rules and policies for governance and operation of the school;

(8) The names and addresses of the members of the governing body;

(9) A description of the anticipated student enrollment and the nondiscriminatory admission policies;

(10) The code of behavior and discipline of the proposed public charter school;

(11) The plan for compliance with the applicable health and safety laws and regulations of the federal government and the laws of the state of Tennessee;

(12) The qualifications required of employees of the proposed public charter school;

(13) The identification of the individuals and entities sponsoring the proposed public charter school, including their names and addresses;

(14) The procedures governing the deposit and investment of idle funds, purchasing procedures, and comprehensive travel regulations;

(15) The plan for the management and administration of the school;

(16) A copy of the proposed by-laws of the governing body of the charter school;

(17) A statement of assurance of liability by the governing body of the charter school;

(18) Types and amounts of insurance coverage to be held either by the charter school or approved by the local board of education, including provisions for assuring that the insurance provider will notify the department of education within ten (10) days of the cancellation of any insurance it carries on the charter school;

(19) The plan for transportation for the pupils attending the charter school; and

(20) Information regarding financing commitments from equity investors or debt sources for cash or similar liquid assets sufficient to demonstrate that the charter school will have liquid assets sufficiently available to operate the school on an ongoing and sound financial basis. In lieu of cash or similar liquid assets, an applicant may provide a financial bond issued by a company authorized to issue surety bonds in Tennessee.

SECTION 8. APPROVAL, DENIAL OF APPLICATION.

The provisions of this section shall apply only to applications for new charter schools under Section 6(b)(1)(C).

(1) The local board of education shall have the authority to approve applications to establish public charter schools and renew public charter school agreements. The local board of education shall rule by resolution, at a regular or special called meeting, on the approval or denial of a charter application within sixty (60) days of receipt of the completed application. Should the local board of education fail to either approve or deny a charter application within the sixty (60) day time limit herein prescribed, such application shall be deemed approved.

(2) The local board of education shall not deny an application on the basis that approval of the application might exceed the maximum number of public charter schools provided for in Section 6 of this act. The grounds upon which the local board of education based a decision to deny a public charter school application must be stated in writing, specifying objective reasons for the denial. Upon receipt of the grounds for denial, the sponsor shall have fifteen (15) days within which to submit an amended application to correct the deficiencies. The local board of education shall have fifteen (15) days either to deny or to approve the amended application.

(3) A denial by the local board of education of an application to establish a public charter school may be appealed by the sponsor, within ten (10) days of the final decision to deny, to the state board of education. The appeal and review process shall be in accordance with the provisions of this subsection. Within sixty (60) days after receipt of the notice of appeal or the making of a motion to review by the state board and after reasonable public notice, the state board, at a public hearing which shall be held in the school district in which the proposed charter school has applied for a charter, shall review the decision of the local board of education and make its findings. If the state board finds that the local board's decision was contrary to the best interests of the pupils, school district, or community, the state board shall remand such decision to the local board of education with written instructions for approval of the charter. The decision of the state board shall be final and not subject to appeal. The LEA, however, shall be the chartering authority.

SECTION 9. APPLICABLE CAPS.

Immediately upon approval of a charter, the chartering authority shall notify the department of education. Date of the official action by the chartering authority shall be considered by the department in determining whether the charter is permitted under the applicable caps contained in this act.

SECTION 10. CHARTER AGREEMENT.

(a) The approval by the chartering authority of a public charter school application shall be in the form of a written agreement signed by the sponsor and the chartering authority, which shall be binding upon the governing body of the public charter school. The charter agreement for a public charter school shall be in writing and contain all components of the application.

(b) The governing body of the charter school may amend the original charter by making petition to the chartering authority. Timelines for approval and the appeal process in Section 8 shall apply to all petitions to amend the original charter. The governing body of a charter school may also request the chartering authority to allow a voluntary termination of the charter school prior to the expiration of the charter.

(c)(1) Upon dissolution of a charter school for any reason or if a charter is not renewed, any unencumbered public funds from the charter school shall revert to the local education agency. In the event that a charter school is dissolved or otherwise terminated, all LEA property and improvements, furnishings and equipment purchased with public funds shall automatically revert to full ownership by the LEA, subject to complete satisfaction of any lawful liens or encumbrances.

(2) If a charter school is dissolved for any reason or a charter is not renewed, the charter school is responsible for all debts of the charter school. The LEA may not assume the debt from any contract for services made between the governing body of the school and a third party, except for a debt that is previously detailed and agreed upon in writing by both the LEA and the governing body of the school and that may not reasonably be assumed to have been satisfied by the LEA.

SECTION 11. COMPLIANCE.

(a) A public charter school shall:

(1) Operate as a public, nonsectarian, non-religious public school, with control of instruction vested in the governing body of the school under the general supervision of the chartering authority and in compliance with the charter agreement and this act;

(2) Meet the same performance standards and requirements adopted by the state board of education for public schools.

(3) Receive state, federal, and local funds from the local board of education; and

(4) Provide special education services for students as provided in Title 49, Chapter 10.

(b) A public charter school shall be subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, national origin, religion, ancestry, or need for special education services. A public charter school may not violate or be used to subvert any state or federal court orders in place in the local school district.

(c) A public charter school shall comply with all applicable health and safety standards, regulations and laws of the United States and the State of Tennessee.

(d) A public charter school shall be accountable to the chartering authority for the purposes of ensuring compliance with the charter agreement and the requirements of this act.

(e) All contracts for goods and services in excess of five thousand dollars (\$5,000) shall be bid and must be approved by the governing body of each public charter school.

(f) A public charter school shall be governed and managed by a governing body in a manner agreed to by the sponsor and the chartering authority as provided in the charter agreement.

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(g) With regard to conflicts of interest, the governing body of a public charter school shall be subject to the provisions of Sections 12-4-101 and 12-4-102.

(h) The meetings of the governing body of a public charter school shall be deemed public business and must be held in compliance with Title 8, Chapter 44, Part 1.

(i) All teachers in a public charter school must have a current valid Tennessee teaching license, or meet the minimum requirements for licensure as defined by the state board of education.

(j) A public charter school is subject to state audit procedures and audit requirements.

(k) A public charter school shall not charge tuition; provided, however, tuition may be charged if the governing body of the charter school approves a transfer from another district to a public charter school in its district pursuant to the provisions of Section 49-6-3003.

(l) A charter school shall be operated on a July 1 to June 30 fiscal year and the governing body shall adopt and operate under an annual budget for such fiscal year. The budget shall be prepared in the same format as that required by the state department of education for local education agencies.

(m) A charter school shall maintain its accounts and records in accordance with generally accepted accounting principles and in conformance with the uniform chart of accounts and accounting requirements prescribed by the comptroller of the treasury. The charter school shall prepare and publish an annual financial report that encompasses all funds. The annual financial report shall include the audited financial statements of the charter school.

(n) A charter school shall require any member of the governing body, employee, officer or other authorized person who receives funds, has access to funds, or has authority to make expenditures from funds, to give a surety bond in the form prescribed by Section 8-19-101. The cost of such surety bond shall be paid by the charter school and in such amount as determined by the governing body.

SECTION 12. FUNDING.

(a) The local board of education shall allocate one hundred percent (100%) of the state and local education funds to the charter school on the per pupil expenditure of the local education agency. The per pupil expenditure shall be based on the prior year average daily membership (ADM) of the LEA. All funds shall be spent according to the budget submitted in the charter agreement, or as otherwise revised by the public charter school governing body, subject to the requirements of state and federal law. At the request of the governing body of the public charter school, the local board of education may act as fiscal agent for a public charter school or distribute the allocated funds to the public charter school to be administered in compliance with the charter agreement and state and federal laws.

(b) Funds which would otherwise be allocated on the basis of enrollment in the prior year shall be allocated, during the first full academic year of operation of any public charter school, on the basis of the anticipated enrollment in the charter agreement, which amount shall be subsequently adjusted to reflect the actual number of students enrolled.

(c) In order to comply with the requirements for allocating funds to the public charter school, the local board of education may provide liability or other forms of insurance pursuant to the charter agreement.

(d) A public charter school may also be funded by federal grants, grants, gifts, devises, or donations from any private sources, and state funds appropriated for the support of the public charter school, if any, and any other funds that may be received by the local school district. Receipt of any such funds shall be reported to the chartering authority. Public charter schools, the local board of education and the state department of education are encouraged to apply for federal funds appropriated specifically for the support of public charter schools.

SECTION 13. **ENROLLMENT.**

(a) Participation in a public charter school shall be based on parental choice, or the choice of the legal guardian or custodian.

(b)(1) A charter school shall enroll an eligible pupil who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or building.

(2)(A) If applications exceed the planned capacity of the public charter school, the following preferences shall apply:

(i) Pupils in attendance in the previous school year at any public school that converts to become a public charter school;

(ii) Pupils attending public schools within the local education agency in which the public charter school is located, if those pupils would otherwise be included in the area in which the public charter school will focus;

(iii) Children residing within the local education agency service area in which the public charter school is located, but who are not enrolled in public schools, if those children would otherwise be included in the area in which the public charter school will focus; and

(iv) Children residing outside the local education agency in which the public charter school is located and whose needs would be included in the area in which the public charter school will focus.

(B) If enrollment within a group of preference set out in subdivision (2)(A) exceeds the planned capacity of the school, enrollment within that group shall be determined on the basis of a lottery.

(c) Subject to the requirements of subsections (a) and (b) of this section, preference may be afforded to the siblings of a pupil who is already enrolled and to the children of a teacher, sponsor or member of the governing body of the charter school, not to exceed ten (10%) of total enrollment or twenty-five (25) students, whichever is less.

SECTION 14. TRANSPORTATION.

(a) If a public charter school elects to provide transportation for its pupils, the transportation shall be provided by the school or by agreement with the local education agency within the district in which the school is located in the same manner it would be provided if the students were enrolled in any other school within the local education agency. If a public charter school elects not to provide transportation for its pupils, the school shall not receive the funds that would otherwise have been spent to do so.

(b) For pupils who reside outside the district and who have been approved by the governing board of a charter school to attend a public charter school, the school is not required to provide or pay for transportation.

(c) At the time a pupil enrolls in a public charter school, the school shall provide the child's parent or guardian with information regarding transportation.

(d) Both the school and the LEA in which the school is located shall include in their annual reports what transportation plans are in effect for charter schools.

SECTION 15. CONDITIONAL APPROVAL.

If approval is a prerequisite for the sponsor to raise working capital, a chartering authority may grant conditional approval for a charter application. The chartering authority shall grant full approval subject to the sponsor providing information regarding financing commitments from equity investors or debt sources for cash or working capital sufficient to demonstrate that charter school will have liquid assets sufficiently available to operate the school on an ongoing and sound financial basis. In lieu of cash or similar liquid assets, an applicant may provide a financial bond issued by a company authorized to issue surety bonds in Tennessee. The office of the comptroller shall verify the adequacy of any financial bond provided as assets.

SECTION 16. INFORMATION ON CHARTER SCHOOLS.

(a) The state department of education shall provide information to the public, directly and through the local board of education, on how to form and operate a public charter school. This information shall include a standard application format which shall include the information specified in Section 7 of this act.

(b) The state department of education shall monitor the status of charter school applications and shall maintain information on the total number of charter school applications, total number of charter school applications granted by type of school, total number of charter school applications denied, and total number of charter school applications appealed and the status or outcome of such appeals.

SECTION 17. LEAVES OF ABSENCE FOR TEACHERS.

(a) If a teacher employed by a local education agency makes a written request for an extended leave of absence to teach at a public charter school, the local education agency may grant the leave. Any extensions are at the discretion of the local education agency. The leave shall be governed by Title 49, Chapter 5, Part 7, including, but not limited to, reinstatement, notice of intention to return, seniority, salary, and insurance.

(b) The years of service acquired by a teacher while on a leave of absence to teach at a public charter school may, at the discretion of the local board, be used to obtain or determine tenure status.

(c) For salary rating purposes, a teacher shall receive credit for years of service acquired while teaching at a public charter school.

SECTION 18. BARGAINING UNITS.

Employees of a charter school may, if otherwise eligible, organize under the "Education Professional Negotiations Act", Title 4, Chapter 5, Part 6, and comply with its provisions upon the formation of one or more bargaining units at the school. Bargaining units at the school shall be separate from any other unit within the local education agency. Bargaining units in charter schools may elect to represent themselves in negotiations with their governing body, or they may elect to be represented by any qualified person or organization, including the local bargaining unit within the local education agency. Bargaining units in charter schools can bargain only with the governing board of the charter school and not with the board of the local education agency.

SECTION 19. GROUP INSURANCE.

Teachers, as defined in Section 8-34-101(46), of a public charter school shall participate in the group insurance plans authorized in Title 8, Chapter 27, Part 3 in the same manner as teachers of the local education agency.

SECTION 20. RETIREMENT BENEFITS.

Tennessee Code Annotated, Title 8, Chapter 35, Part 2, is amended by adding the following as a new, appropriately designated section:

Section 8-35-2 () (a) All teachers and employees of a public charter school that converts from a public school shall continue to participate in the same retirement program as the teachers and employees of the local board of education to which the charter school is associated. Such participation shall be under the same terms and conditions as the teachers and employees of the local board of education. For retirement purposes, all teachers and employees of such a public charter school shall be considered employees of the local board of education and such board of education shall be responsible for all reporting and submission of funds to the appropriate retirement system.

(b) All teachers and employees of a new public charter school shall participate in the same retirement program as the teachers and employees of the local board of education to which the charter school is associated. Such participation shall be under the same terms and conditions as the teachers and employees of the local board of education. For retirement purposes, all teachers and employees of such a public charter school shall be considered employees of the local board of education and such board of education shall be responsible for all reporting and submission of funds to the appropriate retirement system.

SECTION 21. REPORTING REQUIREMENTS.

The governing body of the public charter school shall make at least an annual progress report to the sponsor of the school, the chartering authority, and the commissioner of education. The report shall contain at least the following information:

- (1) The progress of the school toward achieving the goals outlined in its charter;
- (2) The same information required in the reports prepared by local boards of education pursuant to state laws, rules and regulations; and
- (3) Financial records of the school, including revenues and expenditures.

The reports made pursuant this section shall be public information pursuant to the provisions of Section 10-7-504(a)(4). Based on the information provided to the commissioner of education under the provisions of this section, the commissioner shall prepare and submit an annual report on charter schools to the joint oversight committee on education.

SECTION 22. TERM OF CHARTER – RENEWAL.

(a) New public charter schools, conversion schools and all renewals of charter agreements shall be for five-year periods.

(b) No later than November 15 of the year prior to the year in which the charter expires, the governing body of a public charter school shall submit a renewal application to the chartering authority. The chartering authority shall rule by resolution, at a regular or special called meeting, on whether to approve or deny the renewal application. The decision of the chartering authority shall be based on the report and evaluation provided for in Section 21. If the original charter application was appealable to the state board of education, a decision by the chartering authority to deny renewal may be appealed by the governing body, within ten (10) days of the decision to deny, to the state board of education. If the state board of education directs the LEA to approve the renewal of the charter agreement, the public charter school shall continue to operate for the prescribed period of five (5) academic years. A decision by the state board of education to deny the renewal of a charter agreement shall be final. No appeal may be taken.

(c) A public charter school renewal application shall contain:

- (1) A report on the progress of the school in achieving the goals, objectives, pupil performance standards, content standards, and other terms of the approved charter agreement; and

(2) A financial statement that discloses the costs of administration, instruction, and other spending categories for the school.

SECTION 23. REVOCATION OR RENEWAL OF CHARTER.

(a) A public charter school agreement may be revoked or denied renewal by the final chartering authority if such chartering authority determines that the school did any of the following:

(1) Committed a material violation of any of the conditions, standards, or procedures set forth in the charter;

(2) Failed to meet or make adequate yearly progress toward achievement of the state's accountability system; or

(3) Failed to meet generally accepted standards of fiscal management.

(b) If the chartering authority revokes or does not renew a charter agreement, the chartering authority shall state its reasons for the revocation or nonrenewal.

(c) A decision not to renew or to revoke a charter agreement may be appealed to the state board of education within ten (10) days of the decision, except for revocations or failures to renew based on any of the violations specified in subsection (d) of this section. State board appeals shall be handled on the same basis as provided in Section 8.

(d) Except in the case of fraud, misappropriation of funds, flagrant disregard of the charter agreement or the provisions of this act, or similar misconduct, or failure to make adequate yearly progress for two (2) consecutive years, a decision to revoke a charter shall become effective at the close of the academic year.

SECTION 24. ENROLLMENT OF STUDENTS IN TERMINATED CHARTER SCHOOL.

If a charter agreement is not renewed or is terminated in accordance with Section 23 of this act, a pupil who attended the school, siblings of the pupil, or another pupil who resides in the same place as the pupil may enroll in the resident district or may submit an application to a nonresident district according to the provisions of Section 49-6-3105, at any time. Applications and notices required by this section shall be processed and approved in a prompt manner.

SECTION 25. CHARTER SCHOOL POWERS.

The governing body of a public charter school may sue and be sued. The governing body may not levy taxes or issue bonds except in accordance with state law. A public charter school may conduct activities necessary and appropriate to carry out its responsibilities such as:

(1) Contract for services, except for the management or operation of the charter school by a for-profit entity;

(2) Buy, sell or lease property; borrow funds as needed; and

(3) Pledge its assets as security, provided however those assets are not leased or loaned by the state or local government.

SECTION 26. IMMUNITY.

The governing body of a charter school shall be subject to the same limits of liability as local school systems and shall provide insurance in accordance with Section 7 for any liability exposure.

SECTION 27. PROMULGATION OF RULES AND REGULATIONS.

The state board of education is authorized to promulgate rules and regulations for the administration of this act. Proposed rules and regulations shall be submitted by the state board to the joint oversight committee on education for review and comment.

SECTION 28. AUDITS.

(a) The comptroller of the treasury is hereby authorized to audit any books and records, including internal school activity and cafeteria funds, of any charter school created under this act and by virtue of the statutes of the state of Tennessee when such audit is deemed necessary or appropriate by the comptroller of the treasury. The comptroller of the treasury shall have the full cooperation of officials of the charter school in the performance of such audit or audits.

(b)(1) The governing body of the charter school shall cause an annual audit to be made of the accounts and records, including internal school activity and cafeteria funds, of their school. Such audits may be prepared by certified public accountants or by the department of audit.

(2) The audit shall be completed as soon as practical after June 30 of each year and a copy of such audit shall be furnished to the local board of education, the special joint oversight committee on education, the commissioner of education and the comptroller of the treasury.

(c) The comptroller of the treasury, through the department of audit, shall be responsible for ensuring that the audits are prepared in accordance with generally accepted auditing standards and determining if the audits meet minimum audit standards and regulations which shall be prescribed by the comptroller of the treasury. No audit may be accepted as meeting the requirements of this section until such audit has been approved by the comptroller of the treasury. In the event the governing body fails or refuses to have the audit prepared, then the comptroller of the treasury may appoint a certified public accountant or direct the department of audit to prepare the audit, the cost of such audit shall be paid by the governing body.

SECTION 29. EFFECTIVE DATE.

This act shall take effect upon becoming law, the public welfare requiring it; however, such provisions related to the creation of new public charter schools shall sunset effective July 1, 2008, unless re-enacted or extended by the general assembly prior to that date.

Senate Amendment No. 1 to 1

AMEND House Bill No. 1131 by deleting Section 6(b)(2)(C)(ii), as amended, and replacing it with the following:

(ii) At the time of conversion to a charter school, any teacher or administrator in the charter school shall be allowed to transfer into vacant positions for which they are certified in other schools in the school system prior to the hiring of new personnel for those positions. Such personnel who transfer into vacant positions in other schools in the school system shall suffer no impairment, interruption, or diminution of the rights and privileges of a then existing teacher or administrator, and such rights and privileges shall continue without impairment, interruption or diminution with the local board of education. "Rights and privileges," as used in this subsection, include, but are not limited to, salary, pension or retirement benefits, sick leave accumulation, tenure, seniority, and contract rights with the local board of education. The director of schools shall have the option to specifically assign these teachers or administrators to those vacant positions.

Senate Amendment No. 2 to 1

AMEND House Bill No. 1131 in Section 8(3), by deleting the words "at a public hearing which shall be held" in the third sentence thereof and substituting the language "at a public hearing attended by the board or its designated representative and held".

Rep. Winningham moved that the House nonconcur in Senate Amendment(s) No(s). 1 as amended to **House Bill No. 1131**, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2651 -- Nuisances - Expands types of conduct declared to be nuisance; provides for seizure and forfeiture of any vehicle used in commission of second or subsequent offense of patronizing or promoting prostitution. Amends TCA Title 29, Chapter 3, Part 1 and Title 39, Chapter 14, Part 1. by *Turner (Hamilton). (*SB2354 by *Fowler)

Senate Amendment No. 1

AMEND House Bill No. 2651 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 29-3-101(a)(2), is amended by adding the following words and punctuation after the word and comma "assignment,"

promotion of prostitution, patronizing

SECTION 2. Tennessee Code Annotated, Section 29-3-101(c), is amended by adding the following words and punctuation after the word "All":

motor vehicles,

SECTION 3. Tennessee Code Annotated, Section 29-3-101, is amended by adding the following new subsection, after subsection (d):

(e)(1) Upon a person's second or subsequent conviction for promoting prostitution or patronizing prostitution, any vehicle used by such person in the commission of such offense is subject to seizure and forfeiture in accordance with the procedure established in Title 39, Chapter 11, Part 7; provided, however, nothing contained within the provisions of this subsection shall be construed to authorize seizure of such vehicle at any time prior to such conviction.

(2) The provisions of subdivision (e)(1) apply only if the violations making the vehicle subject to seizure and forfeiture occur in Tennessee and at least one (1) of the previous violations occurs on or after July 1, 2002, and the second or subsequent offense after July 1, 2002, occurs within five (5) years of the most recent prior offense occurring after July 1, 2002.

SECTION 4. This act shall take effect July 1, 2002, the public welfare requiring it.

Rep. Turner (Hamilton) moved that the House concur in Senate Amendment(s) No(s). 1 to House Bill No. 2651, which motion was immediately withdrawn.

Senate Amendment No. 2

AMEND House Bill No. 2651 by deleting the words "any vehicle used by such person in the commission of such offense" in amendatory subsection (e) of Section 3 of the bill as amended by Senate Judiciary Committee Amendment No. 1 (014666) and by substituting the words "any vehicle in which such offense was committed".

Rep. Turner (Hamilton) moved that the House concur in Senate Amendment(s) No(s). 1 and 2 to **House Bill No. 2651**, which motion prevailed by the following vote:

Ayes	88
Noes	2
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Buck, Bunch, Buttry, Caldwell, Casada, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Davidson), Vincent, Walker, West, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 88.

Representatives voting no were: Brooks, Brown -- 2.

Representatives present and not voting were: Sharp -- 1.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 3159** -- Education, Dept. of - Revises procedure in regard to placing and reviewing schools on probation. Amends TCA, Title 49. by *Montgomery. (SB3086 by *Atchley)

Senate Amendment No. 1

AMEND House Bill No. 3159 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-1-602, is amended by deleting subsection (a) in its entirety, and by substituting instead a new subsection (a):

(a) By September 1 of each year, the commissioner of education shall recommend for approval to the state board a listing of all schools to be placed on notice or probation for failure to make adequate progress in meeting the rules, regulations and performance standards of the state board. If a school system is deemed by the commissioner as not carrying out its responsibilities to a school or schools on notice or probation for technical or other assistance that may ensure that a school meet or exceed the performance standards, or the standards set forth in Section 49-1-210, the system may be included in the recommendation to the state board to be placed on notice or probation. Schools or school systems on notice or probation shall abide by guidelines established by the commissioner for the purpose of improving student performance.

SECTION 2. Tennessee Code Annotated, Section 49-1-602, is further amended by deleting subsection (b) in its entirety, and by substituting instead a new subsection (b):

(b) Such status shall not impair the credits earned by students in that school system or school.

SECTION 3. Tennessee Code Annotated, Section 49-1-602, is further amended by deleting subsection (c) in its entirety, and by substituting instead a new subsection (c):

(c)(1) During the year on notice, the department of education and the office of education accountability established in Section 4-3-308 will jointly study any school and/or school system placed on notice. The study will include findings on how the school and/or school system can meet the performance standards for adequate yearly progress. The commissioner of education shall have the authority to:

(A) Approve the allocation of state discretionary grants to the school and or school system; and/or

(B) Provide technical assistance to the school and/or school system through an outside expert.

(2) The director of each local education agency serving schools placed on notice shall have responsibility for the following actions:

(A) Prompt notification to parents of students of such identification; and

(B) Revision of school improvement plans.

SECTION 4. Tennessee Code Annotated, Section 49-1-602, is further amended by deleting the subsection (d) in its entirety, and by substituting instead a new subsection (d):

(d) If a system or school does not meet the standards for adequate yearly progress by the end of the first year on notice, the system or school may be placed on probation.

(1) During the first year a system or school is on probation, the commissioner of education shall have the authority to:

(A) Approve a school system's allocation of financial resources to a system or school on probation; and

(B) Appoint a local community review committee to approve and monitor the school improvement plan.

(2) The director of each local education agency serving schools placed on probation shall have responsibility for the following actions:

(A) Prompt notification to parents of students of such identification;

(B) Implementation of performance contracts for the principal;

(C) Provision for remediation services for students;

(D) Notification to parents of their option to transfer their children to another public school within the system; and

(E) Revision of school improvement plans to incorporate joint study findings.

SECTION 5. Tennessee Code Annotated, Section 49-1-602, is further amended by adding a new section (e).

(e) If a school or school system does not meet the standards by the end of the first year on probation, the system or school may be placed on probation for a second year.

(1) During the second year on probation, the commissioner of education shall have the authority to:

(A) Approve a school or system's allocation of financial resources to schools on probation;

(B) Approve a school or system's allocation of personnel resources to the schools placed on probation; and

(C) Present options for a school or system to plan for alternative governance including but not limited to:

(i) Restructuring a school as a public charter school;

(ii) Contracting with an entity to administer the affairs of a school; or

(iii) Removing the school from the jurisdiction of the school system.

(2) The director of each local education agency serving schools placed on probation shall have the responsibility for the following actions:

(A) Prompt notification to parents of students of such identification;

(B) Implementation of performance contracts for the principal;

(C) Provision for remediation services for students;

(D) Notification to parents of their option to transfer their children to another public school within the system; and

(E) Preparation of a plan for alternative governance from the options provided by the commissioner of education.

SECTION 6. Tennessee Code Annotated, Section 49-1-602, is further amended by adding a new section (f).

(f) If after two (2) consecutive years on probation, a school or system does not make progress to meet the standards for adequate yearly progress, the commissioner of education shall have the authority to:

(1) Assume any or all powers of governance for the school or system; and/or

(2) Recommend to the state board that the director of the local education agency be replaced; and/or

(3) Recommend to the state board that some or all of the local board of education members be replaced.

(4) If the state board concurs with the recommendation, the commissioner shall order the removal of some or all of the board members and/or director of schools and shall declare a vacancy in the office or offices. Vacancies on the board shall be filled by the local legislative body until the next general election for which candidates have time, under law, to qualify and the candidate so elected qualifies to hold the office as provided by law or for the remainder of the term if no such election occurs during the remainder of the term. If the entire board of a special school district is removed, the commissioner shall appoint three (3) responsible citizens of the district to serve on the board, and they shall be authorized to appoint persons to fill the remaining vacancies. Any person selected to fill a vacancy shall serve the remainder of the term. Vacancies in the office of director of schools are filled in accordance with the provisions of law. Any director of schools or board member removed under this section is ineligible for appointment or election to such office for the remainder of such person's term and for one (1) full term thereafter.

SECTION 7. Tennessee Code Annotated, Section 49-1-602, is further amended by adding a new section (g).

(g)(1) An appeal of the decision to remove a director or board member shall be to chancery court of Davidson County.

(2) The chancellor's review shall be confined to whether or not the decision was made in accordance with the procedures authorized by this section.

SECTION 8. Tennessee Code Annotated, Section 49-1-602, is further amended by adding a new section (h).

(h) The release of data, including but not limited to achievement data for grades three (3) through eight (8), for research purposes shall be subject to guidelines established by the commissioner of education.

SECTION 9. This act shall take effect upon becoming a law, the public welfare requiring it.

Senate Amendment No. 2

AMEND House Bill No. 3159 in Section 3 of the bill by deleting the designation "(a)(1)" and substituting the designation "(c)(1)".

AND FURTHER AMEND in Section 3 of the bill by adding a new subdivision (c)(3) as follows:

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(3) The office of education accountability may participate in the study of any school and/or system placed on notice to the extent that resources are available to the office for that purpose.

AND FURTHER AMEND in Section 6 of the bill by adding the following after the words "school or system" in amendatory subdivision (f)(1):

; provided, however, that in the case where the commissioner assumes governance of a school or system the LEA will continue to be accountable for the match required by the BEP funding formula for students served.

AND FURTHER AMEND by deleting Section 8 of the bill and renumbering subsequent sections accordingly.

Rep. Montgomery moved that the House concur in Senate Amendment(s) No(s). 1 and 2 to **House Bill No. 3159**, which motion prevailed by the following vote:

Ayes92
Noes.....1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Davidson), Vincent, Walker, West, White, Whitson, Windle, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Wunningham -- 1.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

***House Bill No. 572** -- Education - Requires prior approval of general assembly before special education folders may be modified. Amends TCA Title 49, Chapter 10. by *Bunch, *Pleasant. (SB934 by *McNally)

Rep. Bunch moved that House Bill No. 572 be reset for the Message Calendar on June 25, 2002, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1266 -- Health Care - Increases number of authorized beds at private, community-based, not-for-profit immediate care and mental care facilities under certain circumstances. Amends TCA Section 71-5-105. by *Wood. (*SB820 by *Fowler)

Senate Amendment No. 2

AMEND House Bill No. 1266 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. The fiscal review committee is directed to study:

(1) The need for placement of additional beds at private community-based, not-for-profit ICF/MR facilities;

(2) Current rates for payment of costs in ICFs/MR and whether current methodology and procedures to establish such rates are appropriate and adequate to insure the lowest and most cost-effective services;

(3) Administrative oversight of ICFs/MR facilities to assess adequacy of control to insure cost-effective service delivery and appropriate programmatic quality control; and

(4) The role of ICFs/MR in the overall system of services and supports, including admissions and discharges;

and to make appropriate legislative proposals to implement any recommendations the committee determines to be beneficial to the state of Tennessee and its citizens.

The committee shall specifically consider the necessity of adding beds to certain facilities in light of the costs of such additions. The committee shall also study whether additional capacity should be added to other forms of housing such as supported living and the effects of changes on developmental disability centers.

SECTION 2. The departments of health and mental health and developmental disabilities and the division of mental retardation services shall provide assistance to the fiscal review committee upon request of the chair.

SECTION 3. The fiscal review committee shall timely report its findings and recommendations, including any proposed legislation or interim reports, to the One Hundred Third General Assembly no later than February 15, 2003.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Wood moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 1266**, which motion prevailed by the following vote:

Ayes91
 Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Davidson), Vincent, Walker, West, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh – 91.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2613 -- Law Enforcement - Requires law enforcement officers working security in Davidson County, if Davidson County is not their primary county, to notify chief law enforcement officer; requires such law enforcement officer to wear insignia or lettering designating such officer's primary county. Amends TCA Title 8, Chapter 8 and Title 62, Chapter 35, Part 1. by *West, *Jones, S., *Turner (Davidson). (*SB2753 by *Haynes, *Henry)

Senate Amendment No. 1

AMEND House Bill No. 2613 by deleting the amendatory language of Section 1 of the printed bill and by substituting instead the following:

§ 62-35-140

(a) Notwithstanding any provision of this chapter to the contrary, if a full-time sworn peace officer is working to provide uniformed security, direct traffic, exercise crowd control or perform any other such duty in a jurisdiction other than the officer's primary jurisdiction, then the chief law enforcement officer of the county in which such full-time sworn peace officer is working shall be notified of the location of the officer's assignment as well as the length of the assignment. Such notice shall be provided in writing by the employer of the full-time sworn peace officer within five (5) days prior to the date of first service, unless other arrangements are made with the chief law enforcement officer of the county.

(b) While a full-time sworn peace officer is employed in a jurisdiction other than the full-time sworn peace officer's primary jurisdiction, such officer's clothing shall bear markings, insignia or letterings clearly designating the peace officer's primary jurisdiction.

(c) The provisions of this act shall only apply to sworn peace officers engaged in employment in a county, which is not their primary jurisdiction, having a metropolitan form of government and a population greater than one hundred thousand (100,000) according to the 2000 federal census or any subsequent federal census.

Senate Amendment No. 2

AMEND House Bill No. 2613 by deleting Section 1, § 62-35-140(c) and by substituting instead the following:

(c) The provisions of this act shall only apply to sworn peace officers engaged in employment in a county, which is not their primary jurisdiction, having a:

(1) Metropolitan form of government and a population greater than one hundred thousand (100,000), according to the 2000 federal census or any subsequent federal census; or

(2) Population not less one hundred eighty-two thousand nor greater than one hundred eighty-three thousand, according to the 2000 federal census or any subsequent federal census.

Senate Amendment No. 3

AMEND House Bill No. 2613 by deleting the amendatory language of Section 1 of the printed bill and by substituting instead the following:

§ 62-35-140

(a) Notwithstanding any provision of this chapter to the contrary, if a full-time sworn peace officer is working to provide uniformed security, direct traffic, exercise crowd control or perform any other such duty in a jurisdiction other than the officer's primary jurisdiction, then the chief law enforcement officer of the jurisdiction in which such full-time sworn peace officer is working shall be notified of the location of the officer's assignment as well as the length of the assignment. For work performed in unincorporated areas of a county or within the limits of a municipality that does not maintain a police department, the chief law enforcement officer of the jurisdiction is the county sheriff. For work performed within the limits of a municipality that maintains a police department, the chief law enforcement officer of the jurisdiction is the municipal police chief.

Such notice shall be provided in writing by the employer of the full-time sworn peace officer within five (5) days prior to the date of first service, unless other arrangements are made with the chief law enforcement officer of the jurisdiction.

(b) While a full-time sworn peace officer certified pursuant to TCA 38-8-107 is employed in a jurisdiction other than the full-time sworn peace officer's primary jurisdiction, such officer's clothing shall bear insignia and markings clearly designating that the peace officer is a "Private Duty Law Enforcement Officer." The Tennessee peace officer standards and training commission created by TCA Title 38, Chapter 8, Part 1 shall establish design criteria for such insignia and markings.

(c) The provisions of this act shall only apply to sworn peace officers engaged in employment outside their primary jurisdiction and within a county having a:

(1) Metropolitan form of government and a population greater than one hundred thousand (100,000), according to the 2000 federal census or any subsequent federal census; or

(2) Population not less than one hundred eighty-two thousand nor greater than one hundred eight-three thousand, according to the 2000 federal census or any subsequent federal census.

Rep. West moved that the House concur in Senate Amendment(s) No(s). 1, 2 and 3 to **House Bill No. 2613**, which motion prevailed by the following vote:

Ayes	90
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Davidson), Vincent, Walker, West, White, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 90.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

***House Bill No. 3116** -- Budget Procedures - Authorizes general assembly to transfer funds from various reserve funds for use for other purposes. Amends TCA Title 3; Title 4; Title 5; Title 6; Title 7; Title 8; Title 9; Title 12; Title 13; Title 16; Title 30; Title 36; Title 39; Title 40; Title 45; Title 47; Title 48; Title 49; Title 54; Title 55; Title 56; Title 57; Title 61; Title 62; Title 67; Title 68; Title 69; Title 70 and Title 71. by *Head, *Kisber. (SB3135 by *Clabough)

BILL HELD ON DESK

Rep. Kisber moved that House Bill No. 3116 be held on the Clerk's desk, which motion prevailed.

MESSAGE CALENDAR, CONTINUED

HOUSE ACTION ON SENATE MESSAGE

***Senate Bill No. 1201** -- Election Laws - Specifies that price for purchase of voter registration list must be reasonable. Amends TCA Title 2. by *Cooper J, *Cohen. (HB1767 by *Jones U (Shelby))

Rep. U. Jones moved that the House refuse to recede from its action in adopting Amendment(s) No(s). 2 to **Senate Bill No. 1201**, which motion prevailed.

**CONFERENCE COMMITTEE APPOINTED
ON SENATE BILL NO. 1201**

Pursuant to **Rule No. 73**, Representative U. Jones moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on Senate Bill No. 1201, which motion prevailed.

The Speaker appointed Representatives U. Jones, Kisber and Ford as the House members of the Conference Committee on Senate Bill No. 1201.

MOTION TO RECONSIDER

Rep. Montgomery moved to lift from the table the motion to reconsider action in passing House Bill No. 3159, which motion prevailed.

***House Bill No. 3159** -- Education, Dept. of - Revises procedure in regard to placing and reviewing schools on probation. Amends TCA, Title 49. by *Montgomery. (SB3086 by *Atchley)

Rep. Montgomery moved to reconsider action in concurring in Senate Amendment(s) No(s). 1 and 2 to House Bill No. 3159, which motion prevailed.

On motion, the House reconsidered its action in concurring in Senate Amendment(s) No(s). 1 and 2.

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Rep. Montgomery moved that the House nonconcur in Senate Amendment(s) No(s). 1 and 2 to **House Bill No. 3159**, which motion prevailed.

HOUSE ACTION ON SENATE MESSAGE

Senate Bill No. 2457 -- Taxes, Real Property - Includes hospital and hospital property owned or leased by private not-for-profit 501(c)(3) corporation in definition of industrial and commercial property for payment of property taxes. Amends TCA Title 67. by *Miller J. (*HB2200 by *Bunch)

Rep. Bunch moved that the House refuse to recede from its action in adopting Amendment(s) No(s). 1 to **Senate Bill No. 2457**, which motion prevailed.

CONFERENCE COMMITTEE REQUESTED ON SENATE BILL NO. 2457

Pursuant to **Rule No. 73**, Representative Bunch moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on Senate Bill No. 2457, which motion prevailed.

HOUSE ACTION ON SENATE MESSAGE

Senate Bill No. 2518 -- Tort Liability - Extends from January 1, 2005, to January 1, 2007, date on which immunity for computer system failure due to date or time changes expires. Amends TCA Title 29, Chapter 20. by *Crutchfield. (*HB2431 by *Brown)

Rep. Brown moved that Senate Bill No. 2518 be reset for the Message Calendar on June 25, 2002, which motion prevailed.

HOUSE ACTION ON SENATE MESSAGE

Senate Bill No. 3139 -- Safety, Dept. of - Requires department to review driver license application and examination provisions in view of increased homeland security and report findings and recommendations to House Transportation Committees. Amends TCA Title 55, Chapter 50, Part 3. by *Herron, *Trail. (*HB3186 by *Maddox, *Odom, *Shepard, *Turner (Davidson), *Jones, S., *Cole (Dyer), *Harwell, *Hood, *Bowers)

Rep. Maddox moved that the House refuse to recede from its action in adopting Amendment(s) No(s). 2 and 3 to **Senate Bill No. 3139**, which motion prevailed.

CONFERENCE COMMITTEE REQUESTED ON SENATE BILL NO. 3139

Pursuant to **Rule No. 73**, Representative Maddox moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on Senate Bill No. 3139, which motion prevailed.

HOUSE ACTION ON SENATE MESSAGE

***Senate Bill No. 2599** -- Flags - Requires public school students to recite pledge of allegiance daily, unless student or parent objects to student's participation on religious, philosophical, or other grounds; establishes requirements for participation and non-participation in such exercise. Amends TCA Title 49, Chapter 6. by *Crowe, *McNally, *Burks, *Graves, *Carter, *Trail, *Dixon, *Atchley, *Crutchfield, *Burchett, *Norris, *Blackburn, *Person, *Davis L, *Jackson. (HB2549 by *Davis (Washington), *Godsey, *Mumpower, *Goins, *Beavers, *Kernell, *Dunn, *Rowland, *Todd, *Baird, *Hargett, *Buttry, *Montgomery, *Black)

Rep. Davis (Washington) moved that the House refuse to recede from its action in adopting Amendment(s) No(s). 3 to **Senate Bill No. 2599**, which motion prevailed.

**CONFERENCE COMMITTEE REQUESTED
ON SENATE BILL NO. 2599**

Pursuant to **Rule No. 73**, Representative Davis (Washington) moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on Senate Bill No. 2599, which motion prevailed.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Supplemental Consent Calendar for June 24, 2002:

House Resolution No. 399 -- Memorials, Death - Mary Lou Winningham. by *Windle.

SUPPLEMENTAL CONSENT CALENDAR

***House Joint Resolution No. 1091** -- Highway Signs - "Kenneth D. Foster Memorial Bridge", bridge spanning Fountain Creek on State Route 373 in Maury County. by *Sands, *Head.

***House Joint Resolution No. 1119** -- Highway Signs - "Governor Ray Blanton Memorial Highway", S.R. 22 in City of Adamsville, McNairy County. by *Rinks.

House Resolution No. 399 -- Memorials, Death - Mary Lou Winningham. by *Windle.

Rep. Windle moved that all members voting aye on House Resolution No. 399 be added as sponsors, which motion prevailed.

Pursuant to **Rule No. 50**, Rep. Miller moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Supplemental Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Supplemental Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes88
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Clem, Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Ferguson, Fitzhugh, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Davidson), Vincent, Walker, West, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 88.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

INTRODUCTION OF BILLS

On motion of Rep. Davidson, the following bills were introduced and passed first consideration:

House Bill No. 3297 -- Shelby County - Subject to local approval, repeals act creating Shelby County Agri-Center Commission. - Repeals Chapter 141 of the Private Acts of 1981. by *Bowers.

ANNOUNCEMENTS

BILL RE-REFERRED

Rep. Davidson moved that **House Bill No. 1318 (Senate Bill No. 898)**, held on the Clerk's desk, be re-referred to the House Finance, Ways and Means Committee, which motion prevailed.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 1334: Rep(s). Patton as prime sponsor(s).

House Bill No. 2569: Rep(s). McDonald, Sargent, Davidson, Bunch, Hagood, Tidwell, Bittle, Hargett, Stanley, Fraley, Pleasant, Sharp, Baird, Garrett, S. Jones, Odom, Wood, Hood, Shepard, Black, Newton, Turner (Davidson), Pinion, Montgomery, Winningham and Patton as prime sponsor(s).

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ENROLLED BILLS

June 24, 2002

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 392, 393, 398 and 399; and find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

June 24, 2002

The Speaker signed the following: House Resolution(s) No(s). 392, 393, 398 and 399.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

June 24, 2002

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 1091 and 1119.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

June 24, 2002

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 3292, 3293, 3294, also, House Joint Resolution(s) No(s). 849, 850, 851, 1154, 1167, 1168, 1169, 1170 and 1171.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

June 24, 2002

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 3244 and 3245; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

***Senate Bill No. 3244** -- Gatlinburg - Subject to local approval, authorizes hotel motel tax to be increased from 3 percent to up to 5 percent of consideration charged to transients. Amends Chapter 200 of the Private Acts of 1978. by *Clabough. (HB3287 by *McCord, *Montgomery)

Senate Bill No. 3245 -- Pigeon Forge - Subject to local approval, increases gross receipts tax from 1 percent to 2 percent. Amends Chapter 808 of the Public Acts of 1976. by *Clabough. (HB3288 by *Montgomery, *McCord)

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**REPORT OF CHIEF ENGROSSING CLERK
June 24, 2002**

The following bill(s) have been transmitted to the Governor for his action: House Bill(s) No(s). 2258 and 2984.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**REPORT OF CHIEF ENGROSSING CLERK
June 24, 2002**

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 646, 1210, 2106, 2250, 2650, 3282, 3283, 3291; also, House Joint Resolution(s) No(s). 592, 646, 659, 1105, 1106, 1113, 1114, 1115, 1116, 1117, 1118, 1120, 1121, 1122, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1133, 1134, 1135, 1136, 1137, 1138, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1148, 1149, 1150, 1151, 1152, 1153, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164 and 1166.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ROLL CALL

The roll call was taken with the following results:

Present.....91

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Casada, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Davidson), Vincent, Walker, West, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh – 91.

RECESS MOTION

On motion of Rep. Davidson, the House stood in recess until 1:00 p.m., Tuesday, June 25, 2002.